



Town Council Agenda Report

SUBJECT: Ordinance

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 5, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY DELETING THEREFROM ARTICLE III ENTITLED "PUBLIC SERVICE FEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

This ordinance repeals and eliminates this fee from the Town Code. Reduces reliance upon this fee source.

PREVIOUS ACTIONS:

not applicable

CONCURRENCES:

The Town Attorney concurs that the Public Service should be discontinued.

FISCAL IMPACT:

Is appropriation required?	<u>no</u>
Funding appropriated?	<u>not applicable</u>
Account Name:	<u>not applicable</u>
Additional Comments:	<u>not applicable</u>

RECOMMENDATION(S):

Motion to approve the Ordinance.

Attachment(s):

Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 5, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY DELETING THEREFROM ARTICLE III ENTITLED "PUBLIC SERVICE FEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie is in the process of reviewing and adjusting its revenue sources;
and

WHEREAS, it has determined that the Town will no longer utilize the public service fee as a revenue source for the Town budget.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That Article III of Chapter 5, entitled "Public Service Fee" is hereby repealed and deleted in its entirety as follows:

ARTICLE III. PUBLIC SERVICE FEE

Sec. 5-46. Established.

~~A public service fee is hereby established as user charge applicable to buildings not exempt from municipal ad valorem taxation for which a certificate of occupancy has been issued but not appearing on the Broward County tax rolls.~~

Sec. 5-47. Calculation of fee.

~~The fee levied pursuant to this article shall be calculated by the director of budget and finance by multiplying the millage rate imposed by the town in effect at the time of enactment of the ordinance from which this article was derived times the average valuation of all dwelling units located in Davie. Such product, as prorated, shall be levied against each dwelling unit or deemed dwelling unit subject to this article. Such product shall be prorated in accordance with the number of days remaining from the time of anticipated issuance of the certificate of occupancy for each unit subject to the public service fee to the end of the calendar year in which such certificate of occupancy is expected to be issued. In no case, however, shall the public service fee charged be less than eighteen dollars (\$18.00) per unit per month or portion thereof.~~

Sec. 5-48. Determination of number of units.

~~(a) Each single family unit, including condominium, cooperative or apartment units, located within the town, shall count as one (1) unit for the purposes of this article.~~

~~(b) Industrial and/or commercial structures shall be deemed to be equal to a number of dwelling units determined by dividing the total square footage of the industrial or commercial structure by three thousand (3,000) square feet. Fractional units resulting from such division shall be counted as a whole unit for purposes of the public service fee.~~

Sec. 5-49. Information.

~~The director of development services shall furnish to the director of budget and finance upon~~

~~request all information necessary to calculate the public service fee to be charged in a particular case.~~

~~Sec. 5-50. Collection of fee.~~

~~The director of development services of the town shall be charged with the collection of the public service fee which shall be collected as a condition precedent to the issuance of a certificate of occupancy.~~

SECTION 2 All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS ____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 1999.